

## AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRECKENRIDGE PHARMACEUTICAL, INC.,

Plaintiff(s)  
Petitioner(s)

- against -

MIDLAND HEALTHCARE, LLC,

Defendant(s)  
Respondent(s)

INDEX #:  
07 CV 11114

DATE FILED:  
12/07/2007

JUDGE:  
SWEET  
ATTORNEY FILE#:  
1034496-000051

STATE OF KANSAS: COUNTY OF JOHNSON: ss:

JOSEPH M. POWERS, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF KANSAS

That on 12/10/2007, 10:15AM at 1201 DOUGLAS AVENUE, KANSAS CITY KANSAS 66103, deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT & COPY OF INDIVIDUAL PRACTICES OF JUDGE ROBERT W. SWEET & COPY OF 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL & COPY OF INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON on MIDLAND HEALTHCARE, LLC, a defendant in the above action.

By delivering to and leaving with TAMMI KEE at the above address and that he knew the person so served to be the managing agent of the L.L.C..

DEPONENT DESCRIBES THE INDIVIDUAL SERVED AS FOLLOWS:

Sex F Approximate age 35 Approximate height 5'06" Approximate weight 200 Color of skin WHITE Color of hair BROWN

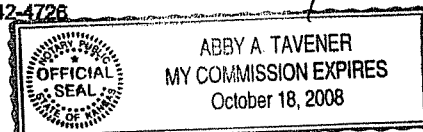
BUCHANAN INGERSOLL  
& ROONEY PC

ONE CHASE MANHATTAN PLAZA  
35TH FLOOR  
NEW YORK, NY 10005-1417  
(212)440-4400

JOSEPH M. POWERS

Sworn to before me on 01/07/2008

APPLE ATTORNEY SERVICE, PO BOX 470, MINEOLA NY 11501-04  
Phone: 516-742-0077 \* Fax: 516-742-4726



AO 440 (Rev 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

BRECKENRIDGE PHARMACEUTICAL, INC.,  
Plaintiff,

V.

MIDLAND HEALTHCARE, LLC,  
Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CV 11114

JUDGE SWEET

TO: (Name and address of Defendant)

Midland Helathcare, LLC  
1201 Douglas Avenue,  
Kansas City, Kansas 66103

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*

(By) DEPUTY CLERK

DATE

DEC 07 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left:         </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ <i>Signature of Server</i> _____</p> <p style="text-align: center;">_____ <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure